

Application No. 10/026,964

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark A. Baloga
Carl V. Forslund III
Thomas G. Feldpausch

Title: UTILITY DISTRIBUTION
SYSTEM

Appl. No.: 10/026,964

Filing Date: 12/21/2001

Examiner: Naoko N. Slack

Art Unit: 3635

Atty. Dkt. No. 076507-0421

<p>CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p><u>Scott D. Anderson</u> (Printed Name)</p> <p><u>Scott D. Anderson</u> (Signature)</p> <p><u>5/27/2005</u> (Date of Deposit)</p>
--

RECEIVED
CENTRAL FAX CENTER
MAY 27 2005

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. § 1.313(c) FOR WITHDRAWAL FROM ISSUE
(ISSUE FEE PAID)

**APPLICANTS HEREBY PETITION FOR THE WITHDRAWAL OF THIS
APPLICATION FROM ISSUE**

The issue fee for this case has been paid on December 29, 2004.

The reason for the request for withdrawal from issue is for consideration of a
Request for Continued Examination under 37 C.F.R. § 1.114. This Petition under 37 C.F.R. §
1.313(c) accompanies a Request for Continued Examination (RCE) filed under 37 C.F.R. § 1.114
and an Amendment that amends the written description to conform the text of the present

05/31/2005 HLE333 00000021 061447 10026964

01 FC:1464 130.00 DA

Application No. 10/026,964

Application to the priority claim as acknowledged by the PTO in the Filing Receipt (mailed on January 29, 2002), the Updated Filing Receipt (mailed on March 21, 2002), in subsequent Office Actions (mailed on December 5, 2002, and June 3, 2003). See 35 U.S.C. § 120; 37 C.F.R. § 1.78.

A copy of the Request for Continued Examination and the Amendment is attached. The present Petition follows the dismissal of a previously-presented Petition under 37 C.F.R. § 1.183, which was dismissed. The Applicants do not agree to or acquiesce in any statements made in the Decision on the Petition under 37 C.F.R. § 1.183 regarding the priority claim, but follow the specific procedure recommended in the Decision to preserve their rights. The Applicants believe that the priority claim (acknowledged by the PTO on four separate occasions) in the present Application was proper under 35 U.S.C. § 120.

Please charge the \$130.00 fee set forth in Section 1.17(h) as required by 37 C.F.R. § 1.313(a) to Deposit Account Number 06-1447.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be provided herewith, as by being in the wrong amount, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date 5/27/2005By Scott D. Anderson

FOLEY & LARDNER LLP
Customer Number: 26371

Scott D. Anderson
Attorney for Applicants
Registration No. 46,521

Telephone: (414) 297-5740
Facsimile: (414) 297-4900